

ENTERED

May 22, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DENNIS TURNER and	§	CIVIL ACTION No
DARLENE BROOKS,	§	4:24-cv-02430
Plaintiffs,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
AUTUMN LAKE	§	
PROPERTY OWNERS	§	
ASSOCIATION INC,	§	
Defendant.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiffs Dennis Turner and Darlene Brooks proceed here *pro se*. They filed a complaint against Defendant Autumn Lake Property Owners Association, Inc, for allegedly overcharging them homeowner-association fees. Dkt 1 at 4.

The matter was referred to Magistrate Judge Yvonne Y. Ho. Dkt 3. She issued the pending Memorandum and Recommendation on April 24, 2025. Dkt 25. She recommends that the motion by Defendant to dismiss be granted for lack of subject-matter jurisdiction. See Dkt 19. Plaintiffs filed an objection. Dkt 26.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing

Douglass v United Services Automobile Association, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

It is noted that Plaintiffs didn't file a response to the motion to dismiss. Dismissal was appropriate on that basis alone. See SD Tex LR 7.4. Beyond that, in their objection, Plaintiffs argue that jurisdiction exists pursuant to the Fair Housing Act because an "[e]mployee or attorney" purportedly associated with Defendant made a discriminatory comment that would violate the FHA. See Dkt 26 at 1. But no allegation of discrimination is pleaded in their complaint, and Plaintiffs haven't raised any allegation of discrimination in any other filing to this point. Judge Ho otherwise correctly determined that no subject-matter jurisdiction exists on the face of the complaint.

Upon *de novo* review, and to the extent discernible, the objection is found to lack merit. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The objection by Plaintiffs Dennis Turner and Darlene Brooks is OVERRULED. Dkt 26.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 25.


The motion to dismiss by Defendant Autumn Lake Property Owners Association, Inc, is GRANTED. Dkt 19.

This case is DISMISSED WITHOUT PREJUDICE.

A final judgment will enter separately.

SO ORDERED.

Signed on May 19, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge